

JOURNAL OF THE HOUSE.

Thursday, August 19, 2004.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

God, Our Creator, Your assistance and guidance enable us to serve You and constituents conscientiously and honorably. In our diverse society and communities, we struggle each day to address difficult and sensitive issues, political and social, in a fair, just and ethical manner. To be successful, we need Your help. Teach us to be good, but critical, listeners as we evaluate the views, insights and experiences of others. Let our commitment to basic human and spiritual values remain firm and unmistakable.

Prayer.

Grant Your blessings to the Speaker, the members of this House and their families. Amen.

At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Pledge of
allegiance.

Appointments to the Madeline Amy Sweeney Award Committee.

The Speaker announced the appointment (under Section 214 of Chapter 6 of the General Laws) of Representatives Garry of Dracut and Toomey of Cambridge to the award selection committee for the Madeline Amy Sweeney Award for Civilian Bravery.

Madeline
Amy
Sweeney
Award
Committee.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Mr. Kaufman of Lexington) congratulating Harvey Tourangeau on the occasion of his one hundredth and second birthday;

Harvey
Tourangeau.

Resolutions (filed by Mr. Keenan of Southwick) congratulating the town of Granville on the occasion of its two hundred and fiftieth anniversary;

Granville,
anniversary.

Resolutions (filed by Mr. Rogers of Norwood) congratulating Jean M. Bargfrede on the occasion of her retirement; and

Jean M.
Bargfrede.

Resolutions (filed by Mr. Walsh of Boston) on the occasion of the dedication of the Laborers' James Merloni Jr. Skills Training Building;

Merloni
Building.

Mrs. Harkins of Needham, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Ms. Atkins of Concord, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith, and they were adopted.

Petitions.

Noreen
Whitaker,
sick leave
bank.

Mrs. Walrath of Stow presented a petition (subject to Joint Rule 12) of Patricia A. Walrath and Pamela P. Resor relative to establishing a sick leave bank for Noreen Whitaker, an employee of the Department of Fire Services; and the same was referred, under Rule 24, to the committee on Rules.

Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, then reported recommending that Joint Rule 12 be suspended. Under suspension of the rules, on motion of Mr. Peterson of Grafton, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service. Sent to the Senate for concurrence.

Renewable
energy.

Mr. Bosley of North Adams presented a petition (subject to Joint Rule 12) of Daniel E. Bosley relative to renewable energy; and the same was referred, under Rule 24, to the committee on Rules.

Papers from the Senate.

Motorized
scooters,
regulate.

The House Bill relative to the operation of motorized scooters (House, No. 1544, amended) came from the Senate passed to be engrossed, in concurrence, with amendments in section 1 (as printed), in line 4, by inserting after the word "two" the word "tandem"; in line 16, striking out the word "twenty-five" and inserting in place thereof the figures "20"; and in lines 19 to 31, inclusive, by striking out the sentence contained therein and inserting in place thereof the following sentence (as changed by the Senate committee on Bills in the Third Reading): "A person operating a motorized bicycle or motorized scooter upon a way shall have the right to use all public ways in the commonwealth except limited access or express state highways where signs specifically prohibiting bicycles and scooters have been posted, and shall be subject to all traffic laws and regulations of the commonwealth and the regulations contained in this section, except that: (1) a motorized bicycle or scooter operator shall keep to the right side of the road at all times, including when passing a motor vehicle which is moving in the travel land of the way; and (2) the motorized bicycle or scooter shall be equipped with operational stop and turn signals so that the operator can keep both hands on the steering bars at all times."

Under suspension of Rule 35, on motion of Mr. Verga of Gloucester, the amendments (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted, in concurrence.

Special
Investigations.

The House Bill relative to the authority of the Bureau of Special Investigations (House, No. 4737) came from the Senate passed to be engrossed, in concurrence, with amendments in section 1, in line 4, and also in section 7 (as printed), in lines 3 and 4, striking out the words "the division of medical assistance" and inserting in place thereof, in each instance, the following: "executive office of health and human services, in its capacity as the single state agency for the purposes of Title XIX of the Social Security Act".

Under suspension of Rule 35, on motion of Ms. Khan of Newton, the amendments (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted, in concurrence.

A Bill relative to the modernization of optometric patient care (Senate, No. 2432) (on Senate bill, No. 2251), passed to be engrossed by the Senate, was read; and it was referred, under Rule 33C, to the committee on Medicaid.

Optometric
care.

A Bill allowing certain temporary farm signs (Senate, No. 1143) (on a petition), passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Temporary
farm stands.

A petition (accompanied by bill, Senate, No. 2473) of Robert A. O'Leary and Eric Turkington (by vote of the town) for legislation to authorize the Dukes County contributory retirement system to grant certain retirement benefits to Joann DeBettencourt, was referred, in concurrence, to the committee on Public Service.

Joann
DeBettencourt,
Dukes County
retirement.

Reports of Committees.

By Ms. St. Fleur of Boston, for the committee on Education, Arts and Humanities, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 5005) of Susan W. Pope and Scott P. Brown (by vote of the town) that the town of Wayland be exempt from certain school construction requirements,—and recommending that the same be referred to the committee on State Administration. Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence.

Wayland,
school
construction.

By Mrs. Owens-Hicks of Boston, for the committee on Local Affairs and Regional Government, on a petition, a Bill relative to the appointment of certain commissions in the town of Framingham (House, No. 4851, changed by striking out section 1 and inserting in place thereof the following section:

Framingham,
commissions.

"SECTION 1. Section 3 of chapter 27 of the acts of 1996 is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:—

Said board of selectmen shall establish all boards, committees, and commissions and appoint their members, except as otherwise provided by this act or by bylaw, including but not limited to the conservation commission, disability commission and historic commission; and shall appoint members of such other regional authorities, districts, or committees in accordance with any applicable laws or interlocal agreements." [Local Approval Received]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Kujawski of Webster, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of Ms. Blumer of Framingham, the bill was read a second time forthwith; and it was ordered to a third reading.

Plymouth,
charter.

By Mrs. Owens-Hicks of Boston, for the committee on Local Affairs and Regional Government, on a petition, a Bill relative to the charter of the town of Plymouth (House, No. 4956) [Local Approval Received]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Kujawski of Webster, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of Mr. Peterson of Grafton, the bill was read a second time forthwith.

Pending the question on ordering the bill to a third reading, Mr. deMacedo of Plymouth moved that it be amended by substitution of a bill with the same title (House, No. 5064), which was read.

The amendment was adopted; and the substituted bill was ordered to a third reading.

Framingham,
town
meeting
members.

By Ms. Blumer of Framingham, for the committee on Local Affairs and Regional Government, on House, Nos. 4852 and 4853, a Bill relative to town meeting members in the town of Framingham (House, No. 5063) [Local Approval Received]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Kujawski of Webster, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of Ms. Blumer, the bill was read a second time forthwith; and it was ordered to a third reading.

Thomas F.
Sweeney, Jr.,
sick leave
bank.

By Mr. Rogers of Norwood, for the committee on Ways and Means, that the Bill establishing a sick leave bank for Thomas F. Sweeney, Jr., an employee of the Department of Correction (Senate, No. 2333, amended) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Under suspension of Rule 7A, on motion of Mr. Peterson of Grafton, the bill was read a second time forthwith; and it was ordered to a third reading.

Engrossed Bills.

Bills
enacted.

Engrossed bills
Relative to certain benefits for the surviving spouses of certain state police officers (see Senate, No. 1406, amended) (which originated in the Senate);

Relative to the Office of Child Care Services and day care providers (see House, No. 4418);

Designating a certain bridge in the city of Worcester as the Representative Robert J. Bohigian Bridge (see House, No. 4761); and

Relative to public safety in the city of Somerville (see House, No. 5045);

(Which severally originated in the House);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

Orders of the Day.

House bills

Relative to the reduction in rank for certain public employees in the city of Haverhill (House, No. 4736); and

Third
reading
bills.

Validating the proceedings of the annual town meeting in the town of Brookfield (printed in House, No. 4756);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

The Senate Bill authorizing the Board of Selectmen of Acton to lease a certain parcel of land (Senate, No. 1981, amended); and

Second
reading
bills.

House bills

Relative to the residency requirement of the town manager of the town of Concord (House, No. 4475);

Establishing the Concord Housing Development Corporation (House, No. 4775); and

Exempting the position of town hall custodian of the town of Stoneham from the civil service law (House, No. 4803);

Severally were read a second time; and they were ordered to a third reading.

The House Bill establishing a sick leave bank for Thomas McCabe, an employee of MCI-Norfolk (House, No. 4794), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Thomas
McCabe,
sick leave
bank.

Pending the question on passing the bill to be engrossed, Ms. Callahan of Sutton moved that it be amended by inserting before the enacting clause the following emergency preamble:

"Whereas, The deferred operation of this act would tend to defeat its purpose, which is to establish a sick leave bank for an employee of MCI-Norfolk, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience."

The amendment was adopted; and the bill (House, No. 4794, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Order.

On motion of Mr. Finneran of Boston,—

Ordered, That when the House adjourns today, it adjourn to meet on Monday next at eleven o'clock A.M.

Next
sitting.

At twenty-seven minutes before twelve o'clock noon, on motion of Mr. Verga of Gloucester (Mr. Donato of Medford being in the Chair), the House adjourned, to meet on Monday next at eleven o'clock A.M., in an Informal Session.